

[18th October 1927]

*Grant VI.*12-15
p.m.

The hon. Mr. N. E. MARJORIBANKS :—" Mr. President, Sir, I beg to move that—

' the Government be granted an additional sum of Rs. 68,000 under " Grant VI.—Irrigation—Civil officers " for extra expenditure on Minor Irrigation works. ' "

The hon. Dr. P. SUBBARAYAN :—" I second it."

* The hon. the PRESIDENT :—" The question is that ' the Government be granted an additional sum of Rs. 68,000 under " Grant VI.—Irrigation—Civil officers " for extra expenditure on Minor Irrigation Works. ' "

" May I know what is the nature of the information which the hon. Member, Mr. K. V. R. Swami Nayudu wants by the motion which he has given notice of ? " ^a

VII

DILATORY MOTION FOR THE POSTPONEMENT OF THE CONSIDERATION OF SUPPLEMENTARY DEMANDS FOR GRANTS.

* Mr. SAMI VENKATACHALAM CHETTI :—" Sir, I have given notice of an adjournment motion.

" I move that—

' the supplementary demands be postponed pending the announcement, by the Government, of the policy in regard to prohibition and the remitted provincial contribution and the discussion of the same by the House. ' "

" Sir, from time to time we have been informed that the amount released by the remission of the provincial contribution will be utilized and is being utilized for nation-building departments. As long as the instalments of remission were small in amount, they were appropriated under various heads, often to cover anticipated deficits in the budget."

Diwan Bahadur M. KRISHNAN NAYAR :—" May I request my hon. Friend to speak a little louder ? "

* Mr. SAMI VENKATACHALAM CHETTI :—" A large sum has now been released by the Government of India for the benefit of the provincial finances. It seems to me to be necessary that the Government of Madras should consult this House with regard to the utilization of that large sum. Expecting that the remission will be used to cover any loss of revenue under Excise owing to the introduction of prohibition, we should see now that the whole amount is not frittered or dissipated by granting the supplementary demands which have been placed before the House. Because, if attempts are made by this House to introduce prohibition effectively and in action, the usual answer will be given by the Government that there is no money to cover the loss of revenue and that unless the country and the House are prepared for additional taxation, that policy could not be given effect to. It seems to me that the Government of Madras are playing with the sentiments and feelings of this House. I desire that the Government should lay down before this House a

RS.

^a Mr. K. V. R. SWAMI :—

To reduce the allotment of Rs. 68,000 for extra expenditure
on Minor Irrigation Works by
(For eliciting information.)

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SUPPLEMENTARY DEMANDS FOR GRANTS

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[Mr. Sami Venkatachalam Chetti]

definite policy as to how they are going to utilize the remission of the provincial contribution and then the House will be in a position to know to what departments—nation-building, or others—this money will be given. From the supplementary demands that have been given notice of, I find that the amount intended to be appropriated under various heads comes to Rs. 44 lakhs. There is no knowing how the rest of the amount is going to be utilized. I therefore think that, unless we know definitely what the Government propose to do and unless they take the opinion of the House in the matter of the division of this large sum of money, we ought not to vote for these supplementary demands.”

* Mr. C. V. VENKATARAMANA AYYANGAR :—“Sir, I have very great pleasure in seconding this motion. After all, what we are asking by this motion is the postponement of the consideration of these supplementary demands. We should look into the history of this question for the last six or seven years. It was said in answer to some questions put by me this morning that the whole money would be spent either for wiping off deficits in the budget passed last March or for the purposes mentioned in the supplementary demands now before us. In spite of the technical words used that only a portion of the provincial contribution has been wiped off temporarily, we know as a matter of fact that the whole of 3½ crores has been wiped off. We must look into the question how the amounts already released were utilized. Taking the budget estimates for the five years after 1920, I find that there has been an increase of 2½ crores in the expenditure and out of this a sum of Rs. 1½ crores is taken up by additions to establishments. During this period of five or six years, resolutions have been passed asking the Government to curtail both the number and the salary of the highly-paid Government servants. That has not been done at all. Over and over again we have been asking for grants not for the purposes now mentioned by the Government, but for various other purposes. Thus, we want to spend more money upon elementary education, prohibition and such other matters. The Government have been ignoring all our demands and saying that they would attend to these matters when the whole of the contribution is wiped off. We know that, as a matter of fact, most of the budget demands and most of the supplementary demands are not considered carefully by this House but are passed as a matter of course. When we have now to deal with this question permanently, we would be well advised in insisting upon the Government giving us some idea as to how they are going to utilize the remission year after year. These supplementary demands relate to the present year only.

“We will take a few cases, viz., stamps and court fees. In answer to questions put to-day, the Government have definitely stated that there is no question of reducing the enhanced stamp duties for the present. By the words ‘for the present’ the Government mean ‘neither for the present nor in the near future’. What was considered to be a temporary measure—increase of stamp duties—is now sought to be made permanent, and the Government have stated more than once to-day that they have no idea of reducing the duties. In answer to a question to-day it was clearly stated that the Government have decided to wipe off practically the whole of the remitted provincial contribution by these supplementary demands. If there is anything good to be done in the near future, there will be no money unless it is raised by way of additional taxation. What then is the meaning of the

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hon. Minister saying that the matter of reducing registration fees is under consideration? If the Government are going to decide that the registration fees should be reduced, are they going to have additional taxation or are they going to have any retrenchment?

"Then with regard to the question of court fees, the Government seem to have recommended certain amendments to the Government of India. We are not in a position to know exactly what the recommendations of this Government are, and if the recommendations are in favour of reduction, what that reduction will come to, and where they will find the money. Will there be increased taxation? These are matters which must be carefully considered both by the Government and by this House, one taking the other into its confidence.

"We know what the budget means. The Government want to incur the maximum expenditure. We have no right to suggest increased expenditure on certain items. The Government say that they have given effect to the cuts in the budget demands carried by this House at the time of the last budget. In each case, the policy of the Government was discussed. We know that those motions were only token motions and our object was not to actually reduce Rs. 100 from a sum of Rs. 17 crores. If I may use strong language, the Government have been unfair in telling us, in answer to a number of questions, that they have given effect to the recommendations of this Council at the time of the budget by the reduction of Rs. 100, forgetting the fact that the motions were only token ones. The Government should have stated 'we do not agree to the policy enunciated by the House when a token motion was carried.' A sum of Rs. 100 was reduced by the Council from the allotment for the Excise Commissioner's establishment and the Government merely effected that reduction as if we cared only to reduce the pay of some peon or clerk in the Excise Commissioner's office. It is most unfair that the Government should not meet us boldly and say 'we are not going to take your advice; we refuse to act up to the decision of the House.' We can pass only token motions. We know also that in a few cases we are not able to reach the grants entered at the concluding portion of the budget estimates. It has been ruled that, when supplementary grants are moved in this House, we could not go into the whole question of the policy of the Government. We can deal only with the necessity or otherwise of the particular grant moved. I anticipate your ruling Sir, to some such effect. There are thousand and one purposes in this poor country on which crores and crores can be spent. We have been appealing for reduction in the land revenue. Can two people differ on that question, including the hon. the Leader of the House who, I know, is very desirous of getting some relief to the poor rural farmers? Can he say that there will be no necessity to spend any money by way of reduction of land revenue and by way of relief to the poor land-owners, especially in this year when famine is threatening us in the central districts? Are the Government going to use any money out of the 3½ crores remitted for the relief of these poor people? Therefore, Sir, it is too much for this House and for the public at large to devour the supplementary grants to be moved one after another. They may be excellent subjects. The question is whether there are not more excellent subjects, such as land revenue, etc. If the speeches made by the Government and by the Opposition at the time when the various amending Bills relating

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to Stamp Act, Court Fees Act, etc., are read, it would be clearly understood that it was intended to cover the deficit caused by the tyrannical Government of India getting $3\frac{1}{2}$ crores of rupees under the Meston Award. The ideas of the Government were very clear then. Therefore it is quite desirable that we should deal with this question now and that we should have a frank discussion as to how best we can spend the money. I think it is quite desirable to postpone the consideration of these items, in order to decide the question not only for this year but permanently. I have therefore very great pleasure to second this motion. I hope the Government will accept the motion."

* The hon. the PRESIDENT :—"The question is that the consideration of the supplementary demands be postponed pending the announcement, by the Government, of the policy in regard to prohibition and the remitted provincial contribution and the discussion of the same by the House."

* The hon. Mr. N. E. MARJORIBANKS :—"Mr. President, Sir, I have been much surprised by this motion which appears to assume that we have just received a remission of Rs. 348 lakhs. I would point out that the first instalment of the contribution was remitted in March 1925, a sum of Rs. 126 lakhs. The House then disposed of that amount at the time of the discussion of the budget of that year. In the next year, 1926, there was a remission of Rs. 57 lakhs. The House disposed of that in addition to the first 126 lakhs of rupees in the budget of 1926-27. Again last year, the Government of India remitted a portion of the contribution. The exact figures are in the answers given this morning. Hon. Members are fully aware of what is being done. Then there was no demand for any postponement of the matter or of the consideration as to how this money should be utilized. This matter was considered at the time of the last budget also. How we can go back upon your votes and recuscitate the amounts that have already been disposed of is beyond my comprehension."

"I do not know what is the meaning underlying a motion of this nature. The remaining balance is quite a small sum, and the figures which are given in answer to the questions show that a great part of the amount has been spent in useful directions. I do not want to use the word "nation-building"; but all the same the amount has been spent in a direction which would benefit the people and the country. I do not see what good there can be in going back on those things and reconsidering what all has been disposed of during the last three years."

12-30
p.m.

* Mr. S. SATYAMURTI :—"Mr. President, Sir, the hon. the Revenue Member expressed a feeling of surprise at our motion. May I return the compliment to him and say that I am surprised at the attitude of *non possumus* taken up by him? He comes occasionally to give good advice to us when it suits him and solemnly tells us 'what are you saying, my boys? I am going to give you so many sums of money for your good, why do you reject these demands?' That is the way in which he wants to sing a lullaby to us in all his speeches, in a way which suits him and those who think with him."

"Now, Sir, the position of our party in this matter has been made clear by the Leader in making this motion, and it is this: We cannot usefully discharge our function as elected representatives of the people in this House, by voting upon these various demands, unless we know what is the considered policy of the Government of Madras with regard to this year's supplementary budget, and more important than that, with regard to the next year's and the future years' budgets, based on the certainty now of a remitted provincial

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contribution amounting roughly to 3½ crores. The figures which the hon. the Revenue Member gave in his short speech are themselves the most sorrowful arguments in favour of a reconsideration of the whole question of laying out a sound, far-seeing, financial policy for the future of this province. He said that in March 1925 we got 126 lakhs and disposed of that; in 1926 we got 57 lakhs and disposed of that; and in 1927 we have disposed already in anticipation of 70 lakhs and in our budget discussions we have voted for these grants. Why do we want to go back upon all that? That is his question. Sir, is it seriously suggested that once a budget is voted upon for one year, that that vote is not only for that year but also forecloses any further discussion or re-examination of the allotment to the various departments and a possibility of this House reversing its previous decisions and recommend to the Government, if it can, to spend the money in fresh channels or to restrict the expenditure in one department or to increase it in another department? As my hon. Friend the Member from Coimbatore pointed out in his speech, during the budget debates, we have no manner of opportunity for asking the Government to increase expenditure in one direction or another. We can at best suggest reductions; we can also make and carry token motions. But the present Madras Government has shown such sublime indifference to the token motions carried in this House, both the parties on this side voting for several of them; we are told blandly: 'We have accepted your motion and reduced the amount by Rs. 100; but as for your recommendations, they have gone to the waste paper basket'. Sir, I have read all the answers to questions given this morning, and in answer to my hon. Friend's question in regard to these token motions, the Government have consistently, uniformly and strongly stated: 'We have no use for your token motions or your views; you may pass them, the law demands that we should reduce the demand by Rs. 100; we will do that but will do nothing more'. This is practically what they have said. Therefore, Sir, we are not allowed at the budget time to increase expenditure; we are not allowed to influence the policy of the Government; and the only opportunity then which this House has of exercising its statutory right of getting a statement of policy from the Government will be this opportunity. I object very strongly to the hand-to-mouth policy pursued by this Government for the last few years, with respect to the remissions of the provincial contribution. They merely get the money and come forward with certain demands before the House and ask us to accept those demands. There is no attempt at our re-examining the whole financial basis of the budget of this province. May I suggest, in all humility, certain lines of enquiry for the hon. the Finance Member and for the hon. the Finance Secretary and his Colleagues? You will remember, Sir, that the present budget that is now functioning in this province was based originally on the revenue minus 3½ crores of provincial contribution to the Government of India under the Meston Award. The Justice Party started with that budget. They carried on a vigorous agitation in favour of the remission of provincial contribution, and although they did not get success at once, gradually the time has arrived when I believe that—from next year at least for a certainty—provincial contribution will be entirely wiped out. I ask my hon. Friend, the Leader of the Justice Party, whether if he were continuing as Minister now, he would be prepared to acquiesce in this hand-to-mouth policy of merely asking us now for three lakhs here and six lakhs there and asking the House to give its spray votes on this question, without re-examining the whole question. I want to remind him particularly,

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Sir, that at the time his party voted for an increase in the court fees, at the time when they voted for an increase in the stamp fees, and when his party brought forward and supported a motion for raising the registration fees, they gave a solemn undertaking to this House—I believe both the Reserved half and the Transferred half were parties to this undertaking—I have no time to refer to it, but I am sure no one will contradict me on this point—that as soon as the financial position of the province improved, the first charge on the revenues of the province would be a reduction of the fees which had been enhanced. What, shall I ask, has been the result? Are such undertakings mere scraps of paper to be thrown into the waste paper basket? Are we to be told: ‘As soon as the 3½ crores come, we will reduce the stamp fees, we will reduce the court fees and the registration fees. I am going to do all that; I will even promise to do that’, but when really the remitted contributions come, no word is said about that. Sir, I do not want to use strong language; but I may say that it amounts to placing this House in a false position. I will warn my friends most respectfully that if they do not vote for this motion, they will be faced with a *fait accompli*. The hon. the Finance Member whom I congratulate on the maiden answers that he gave this morning, quietly told us ‘The available recurring surplus comes to 44 lakhs. We have asked for nearly 35 lakhs. What balance does it leave?’ That is the game we are playing, and every time we want money, he says the lakhs have been wiped out. Then we are left only with the possibility of crying in the wilderness and getting blind policies from the Ministers who simply say they will do everything. If you refer to ‘prohibition’, they at once say ‘Oh, yes, we shall have it’; if you want to develop cottage industries, the reply comes ‘Yes, everything will be done’, and if you just remind them of education, the Education Minister at once says ‘Oh, yes, I will make every uneducated man educated next year’. But nothing is done; and that is the way in which they think they can lead us stealthily and quietly into their path.

“Then, Sir, there is a strong feeling that in this province agricultural land is most heavily taxed, and there is a demand that the first charge on the remitted contributions should be a reduction of land tax at least in the case of those who are pattadars paying Rs. 10 and less. There may be a difference of opinion on that matter, Sir; but I do venture to say, in all humility, that until you relieve the agriculturist from the perpetual state of indebtedness, in which he is to-day, until you give the small landlord an opportunity to become a prosperous landlord, in spite of Royal Commissions on Agriculture, the problem of the poverty of the masses of this country will not be adequately solved. I want the Government to consider whether, apart from the desirability or their willingness to introduce a Bill to revise the present rates of assessment, the time has not arrived for reducing the land tax throughout the province. My hon. Friend from Tinnevely, Diwan Bahadur Kumaraswami Reddiyar, has issued, I believe, a statement to the Press in which he has stated in most unambiguous terms that the land tax is very heavy in this province, that it should be reduced, and that it ought to be one of the first charges on the remitted provincial contributions.

“Next with regard to the question of Excise, Sir, my hon. Friend says the Government are taking steps to introduce prohibition; but yet nobody knows what has been done so far. This is very much like the very agile answer of my friend the Ex-Minister of the Justice Party to the European Association the other day who, when he was asked to give his views on the question

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of prohibition, said that if the Finance Committee could not find ways and means, he had no tips to offer. I am afraid, Sir, between these two god-fathers, this unfortunate orphan of prohibition would be starved. If we meant what we said both at budget time and on election platforms, we should insist upon the Government setting apart a round sum, i.e., a large sum of money for the above purposes. A time may come when we may have to submit to a tax for the purpose; but, unless the hon. the Minister wants to kill the experiment of prohibition at the very time it starts, he will make a blunder if he tries to do so with increased taxation. Therefore, this is the time to set apart some money for that purpose. Moreover, Sir, with regard to the Transferred departments also, the whole thing has to be looked into as a problem affecting the whole province. What are the demands? How are you going to spend the amount?

"I desire to say that this motion is not a dilatory motion. It has the bona fide purpose of getting from the Government an honest, frank, considered and full statement as to how they are going to revise the budget of this province, with this remitted contribution, whether they are going to reduce taxation, if so, in what direction and, if not, why not; what is the answer of the Government to the insistent demand for the reduction of land tax? What is the answer of Government for the wiping out of excise revenue; and what, in fine, is the policy of the Government with regard to the development of the various Transferred departments? I think, Sir, this House has a right to get an answer, and I think we are doing a service to the Government if only they know what is good for them; but unfortunately Governments in this country live from hand to mouth and from day to day. 'Sufficient unto the day is the evil thereof' is the policy with which most Governments with which I am familiar carry on their work from day to day. They have not the time or the vision to look into the future, nor any interest can they have.

"I appeal to the Ministers particularly—they are not birds of passage who are not responsible, but they are people who are responsible to this House. Let the hon. the Chief Minister come forward and say, if he dares, that whatever Government may or may not do 'Yours is not to reason why but to vote'. Let him say so, or let him say 'Such and such is the policy of the Government' and 'we want you to vote'. Otherwise, Sir, I would request an adverse vote on these demands and a favourable vote on this motion and I appeal to the Members of the House, irrespective of parties, to tell the Government that whatever they may or may not do, they would discharge their duties as responsible custodians of the people's purse."

Mr. J. A. SALDANHA :—"Sir, I wish just to add a few words to the observations which fell from the Leader and the Deputy Leader of the Opposition. Sir, I come from a district fresh with the memory of a meeting held very recently of influential landholders, wargadars and tenants at its headquarters, viz., Mangalore, a day before His Excellency's visit to the district. The people assembled at that meeting were unanimous in their resolutions which have been communicated to the Government. Among the resolutions, one—I may say the chief one—was that there should be no more increase of land revenue and that even if there should be, the rates should be settled subject to the sanction of this House. We are already over-taxed in the matter of land revenue and we cannot bear any further increase of it. Nay, we should have a reduction of the rates as early as possible. That was the unanimous voice of all classes of people in my district. His Excellency the Governor

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was kind enough to visit some of our villages and he would have realized from whose purse this revenue was coming. It is not so much from the landlord as from the cultivators of the soil. It is the poor cultivators who amidst misery, indebtedness and practical starvation contribute to the State's revenues in this direction though they are deprived of the general amenities of life such as sufficient water-supply and good medical relief. I should therefore urge with all the vigour that I can command on behalf of these poor cultivators of South Kanara that the whole body of grants now before the House be reconsidered and placed before us with a clear enunciation of the principles by which we are to be guided. It is most unfortunate—at least at the last meeting we had the demands a day before they were actually brought—that at this meeting we hardly knew what was coming before us to-day. It is only yesterday that we received a copy of the agenda paper from which some of the supplementary demands have been dropped mysteriously and others added. It is very unfair to this House that supplementary grants involving several lakhs of rupees should be given intimation of only a day before the meeting. For myself, I saw the list only this morning. I appeal to you, Sir, that this is not a fair way of treating this House. If any proof is needed for the fact that this House is impotent and hopelessly powerless, entirely in the hands of the Government, the statement before us relating to the demands for supplementary grants furnishes it. So far as we can see, there appears to be only one clear policy on the part of the Government in making their demands, and that is, the negation of any relief from the burden of taxation and refraining from doing anything substantial for the nation-building departments. I shall not deal with these points as the House will have time to do so at a later stage. But I appeal to you, Sir, that the House should be taken into confidence by the Government in shaping their policy both in the Reserved and Transferred side and not treated like a sort of mock Parliament or a sort of toy Parliament as it has come to be, but given the seriousness which is due to the various members representing the country at large."

* Rao Bahadur B. MUNISWAMI NAYUDU :—"Sir, I rise to support this motion for adjournment. As I will make it clear presently, I do not do so in any spirit of embarrassing the Government in continuing their schemes but with a view to have a clear cut policy enunciated as to what should be done with the released provincial contribution. Sir, we have been a party, at any rate my party has been, to increased taxation at a time when we could not carry on the administration except with fresh resources. It was the opinion then voiced in this House that as soon as favourable opportunity arises, as soon as the contribution is remitted, it should be a first charge on the funds made available that the excess taxation must be done away with. On that point I do not think there was any difference of opinion in any portion of the House. We have had in the course of the answers to questions the statement made that, so far as the Government are concerned, they have made up their mind not to reduce the stamp duty on the ground that they do not find any necessity for it. We have absolutely no idea as to what they propose to do in the matter of court-fees. Again, this Council has passed a resolution at its previous meeting that, with a view to carrying out a policy of prohibition, a committee should be constituted for finding out the ways and means of substituting the loss of revenue consequent on such a policy. What the committee has done and what the Finance Committee has suggested, we are not in a position to know. All the same, Sir, if this

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Council should be a party to all the demands for supplementary grants which are proposed to be moved, it will commit us to a recurring expenditure—as we find it stated in the answer to question 528—of 33 lakhs and a non-recurring expenditure of 46 lakhs. That will practically wipe out the little that we have from the release of the provincial contribution. I am afraid my hon. Friend, the Leader of the House, will rise up and say: ‘You have sanctioned all these demands and you cannot hereafter propose any suggestions which would involve loss of revenue without finding out ways and means for substituting it.’ The other day there was a resolution that the General Hospital, Madras, should be remodelled at a cost of 49 lakhs. We have also passed a resolution that the pay of the village officers should be raised. It is therefore necessary on our part as well to know beforehand what claims we, as a Council, should make on the funds available and what demands made by the Government should be rejected for satisfying those claims. It is also necessary on the part of the Government to say to what extent they can give effect to our wishes. Now that the question is raised, it is necessary that the hon. Member for Government should rise up and say that he will constitute a committee to go into the general question before individual items are taken up. Of course, we have no objection to sanction such individual items as are absolutely necessary, but before we do so, the Government should constitute a committee to go into the question and decide it once for all. That will give the Council an opportunity to know where it is in dealing with the matter.”

* Diwan Bahadur M. KRISHNAN NAYAR :—“Sir, I suppose the motion before the House is one which will find support from my hon. Colleagues. I wish just to bring to the memory of my hon. Colleagues the circumstances under which certain heavy burdens were imposed by this Council for the first time in the year 1922. At that time when my party was in power, though my party made, along with the Reserved Half of the Government, strenuous attempts to get at least a partial release of the 348 lakhs from the Government of India, the Government were unsuccessful. There was a deficit of about 106 lakhs which threatened the Government and the Council in that year. It was in those circumstances that the hon. Sir K. Srinivasa Ayyangar and the hon. Sir Muhammad Habib-ul-lah brought two Bills for enhancing court-fees and stamp duties. Both these gentlemen representing the Government gave a distinct assurance to this House that as soon as the provincial contribution was released, the enhanced court-fees and stamp duties would be reduced. That promise was made in the year 1922. After that, as the hon. the Leader of the House stated, in the year 1925 a sum of 126 lakhs was released. Was a portion of that made available for reduction of the enhanced fees? No. On the other hand, all the 126 lakhs was merged in the general revenues, instead of being utilized in this way. So also, later on in the year 1926, a second instalment of 57 lakhs was released. That was also merged in the general revenues of the Province. Then, this year there has been a remission of 165 lakhs, out of which 72 lakhs and odd have been included in the general finances and, as was stated this morning, there is now an attempt to take about 45 lakhs out of the remainder. The whole of this amount of 348 lakhs, with the exception of about 48 lakhs, is thus sought to be merged in the provincial finances. And I submit that the distinct promise which was made in 1922 is conveniently forgotten now. If the attempt is not made now to reduce the enhanced court-fees and stamp duty, it will not be possible hereafter to press for that reduction. And now the present

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motion is only for an adjournment. If not to-morrow, the Government may take one or two days and when this Council meets again on the 31st, they may come forward with their proposals for distributing the amount and utilising it in a more or less permanent manner. Let us know where we are and let the Government take us into their confidence. I therefore think that the motion for adjournment is a very reasonable one and there is no reason why my hon. Colleagues should not vote for it."

* Mr. C. RAMASOMAJULU :—" Enough has been said, Mr. President, to commend this proposition for adjournment for the favourable consideration of the House. I wish to submit two or three observations without taking much of the time of the House. In our district, Sir, there are settlement operations going on. There have been several meetings of landlords, tenants and cultivators in which resolutions have been passed expressly saying that as an opportunity has arisen for giving the cultivators and the landlords the relief that they need very much—and that opportunity has now arisen by reason of the remission of the provincial contribution—the Government should afford them such relief and in the meanwhile should at least postpone their survey operations, suspend the publication of the scheme report and declare that the existing rates would continue in force until a formal enactment is passed with reference to land revenue settlement. Even that the Government have not done. They say that there is no necessity for doing so. My submission to the House is this. Land revenue is the major head and the largest contributor to the revenues of the province. And, as has been pointed out by the hon. Member for the University, the case of the pattadars below Rs. 10 has been mentioned by the Taxation Committee as very much deserving of consideration. In spite of this, no heed is paid to these representations and the Government are coming before us with a demand for a slice for this and a slice for that so that the whole sum thus released is consumed before the House thinks of affording the necessary relief to the country at large. Sir, I hold that it is a self-evident proposition that now that we have a sum of 3½ crores of rupees let off for useful expenditure, without formulating a scheme for the utilization of this amount we should not allow it to be spent in a spasmodic manner.

" Besides land revenue there is the question of excise and this morning we had a very imposing scene, an interesting exchange of expressions, the hon. Minister feeling himself in a very inconvenient position, not certain whether he was speaking from his official position or from his personal point of view. My recollection is, Sir, as Mr. Satyamurti has pointed out, that during the course of the budget discussion he clearly stated his position that the policy of the Government was really total prohibition. He side-tracked the issue to-day by saying something else. In reply to interpellations he said that Government have not come to any final decision on the matter. My point is this : that the Government on its Reserved and Transferred side are not dealing with the House in a fair and plain manner. How to appropriate this large remission to the best advantage of the people is the question and, before they formulate a scheme in this matter, that they should come forward with a demand for this and for that, is not fair. Therefore I support the motion."

* Mr. K. V. R. SWAMI :—" Sir, the Finance Member was saying that this House will be certainly consulted with regard to these matters. He meant perhaps the grant would be brought before this House and would be subjected to the vote of the House. For unless they are passed they

[Mr. K. V. R. Swami]

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would not be given effect to. That is a well-known fact and we are aware of it. What we were asking him was whether he would consult this House with regard to the manner in which these released funds would be spent, i.e., whether the opinion of this House would be taken in apportioning the amount released by the Central Government. For that a reply was awaited and now the answer is given in the statement. If I remember well, the only thing prominently urged among others at the time of the budget was prohibition. Then came land revenue ; then came the rural scheme and also what prominently figured before this House, the reduction of the enhanced rate for stamps, court-fees and registration fees. We are given certain figures which reveal that this Government has not attached any weight whatsoever to the opinions of this House. Certain Members including my hon. Friend, Mr. Koti Reddi, even urged that if the amount released by the Central Government was not enough to meet the deficit that would be occasioned by adopting prohibition they were prepared to have extra taxation. When the House thought that prohibition is so important the amount allotted by the Government for the purpose is such a meagre sum as Rs. 83,000. This is perhaps not for prohibition but for additional establishment so that they may improve the Excise department. Next comes the Registration department with Rs. 28,000, General Administration 09 lakh and Education is given 12.10 lakhs, Civil Works including establishments 23.89 lakhs, grants to local bodies 20.92 lakhs. So, prohibition gets least of all and my hon. Friend, the Minister, sits there giving those nice replies by saying that the matter is still under consideration. I do not know why he did not insist upon having more money so that he may have prohibition in more than a couple of taluks or so. So I feel that the whole matter was left to the Government. Government from the beginning seems to be against prohibition and out of respect to this House or out of respect to the voters the Ministers sometimes say that they are for prohibition, but do very little in the matter. They will not press these matters in the inner circles of the Government.

“ With regard to other matters land revenue was given Rs. 13,000. We are asking for a portion of the remission to land revenue and they are not giving anything for it. But 2½ lakhs are provided for the Forest department which is devouring 50 lakhs. So these figures would reveal that the Government have got very little regard for the opinions unanimously expressed by almost all members of this House, both nominated and elected. This adjournment motion is to remind the Government of the views expressed by this House and the promises made to this House by the Members of the Executive Government who were in charge of the several departments which enhanced their revenues. As Mr. Krishnan Nayar expressed and Mr. Muniswami Nayudu also put it in so many words, it is especially for the Justice party—since they were a party to the enhancement—and also the Ministers and the Ministerial Party to see that they are in a position to fulfil the promises made to this House and the country at large. It is no good being a party to this where prohibition gets nothing or next to nothing and the enhancement of stamp duties, court-fees, registration fees are not in any way cancelled. So I support this resolution and request the members to vote for it and request the Government also to consider it favourably. Always do not try to carry your view point because you have got some strength. You have to consider whether this House deserves any consideration in this matter. We all say that land revenue

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is levied at a very high rate and that it may be given relief. You yourselves promised to give relief when asking enhanced rates of revenue. When the time is favourable you go back on this promise and you want to spend 40 lakhs on buildings and so on."

MR. ABDUL HAMID KHAN :—" Mr. President, if I rise to support this motion, I do so with a view to bring before this House as clearly as I can the point we have in our minds. It is to emphasise the fact that it is time that the Government changed its financial policy. The Opposition has from time to time expressed its opinion with regard to the manipulation of the finances of the province. But we find that the Government has once again ignored the opinion unanimously expressed by the Opposition with regard to the attempts that the Government ought to make with regard to their financial policy and that they are pursuing the time immemorial policy of dividing all their monies for purposes other than nation building. I believe that this motion will be supported by the Ministers because it is in order to strengthen their hands that this adjournment motion is made. If the Ministers do not support this motion, I am afraid I must confess that they are not going to give this House an assurance that they mean what they say. As has been pointed out, the hon. Minister for Excise has given out prohibition as the policy of the Government, but the Government, I am sorry, are following methods by which prohibition cannot be realised. If they really mean what they say, they should see that the money that we receive as remission of provincial contribution is entirely used for nation building purposes. From the answer that has been given to a fellow councillor with regard to the intention of the Government in distributing the remitted amount, I find only 12 lakhs and odd is allotted for education. It shows how much importance the Government gives to education in this province. I am afraid that a good deal has to be done for the education of the Province. As for primary education very few districts have introduced compulsion. If we have to use this money properly it is time that a larger sum is allotted for educational purposes.

" Again, Sir, I find that in regard to public health also the money that is allotted is quite inadequate. And the third thing, Sir, which will open the eyes of the Council to the policy of the Government with regard to the utilisation of this amount is the department of industries. I am sorry to find that the Government, that is the Transferred side of the Government, has not been able to secure a larger sum of money than two lakhs for industries. Sir, whenever the hon. Minister for Development is asked how many industries he has been able to start in this Province and how many industrial schools he has been able to open in this Province his only answer was, 'I have not enough money to open such schools and giving aid to deserving industries.' Well, Sir, he is satisfied with a paltry sum of two lakhs for industries. If he insists upon his right I am sure he will certainly support our adjournment motion and see that justice is done with regard to this matter."

MR. SAMI VENKATACHALAM CHETTI :—" I move that the question be now put."

MR. G. HARISARVOTTAMA RAO :—" I second it."

The question was put and declared lost.

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1-15
P.m.

Mr. Sami Venkatachalam Chetti demanded a poll, which was taken with the following result :—

Ayes.

- | | |
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| 1. The Zamindar of Gollapalli. | 19. Mr A. Parasurama Rao. |
| 2. Mr. Sami Venkatachalam Chetti. | 20. " M. A. Manikkavelu Nayakar. |
| 3. " S. Satyamurti. | 21. " C. Ramasomayajulu. |
| 4. " C. V. Venkataramana Ayyangar. | 22. " Basheer Ahmed Sayeed. |
| 5. " T. Adinarayana Chettiyar. | 23. " P. Bhaktavatsulu Nayudu. |
| 6. " P. Anjaneyulu. | 24. Sriman Biswanath Das Mahasayo. |
| 7. " K. Koti Reddi. | 25. Mr. A. Kaleswara Rao. |
| 8. " S. Muttayya Mudaliyar. | 26. " R. Srinivasa Ayyangar. |
| 9. " C. S. Govindaraja Mudaliyar. | 27. " Syed Ibrahim Sahib. |
| 10. " G. Harisarvottama Rao. | 28. " L. K. Tulasiram. |
| 11. " C. N. Muthuranga Mudaliyar. | 29. " K. R. Karant. |
| 12. " Abdul Hamid Khan. | 30. " K. V. Krishnaswami Nayakar. |
| 13. " K. V. R. Swami. | 31. " K. Madhavan Nayar. |
| 14. " Muhammad Meera Ravuttar. | 32. " C. Venkatarangam Nayudu. |
| 15. " D. Narayana Raju. | 33. " B. Ramachandra Reddi. |
| 16. " B. S. Mallayya. | 34. Rao Bahadur C. S. Ratnasabapathi |
| 17. " K. Uppi Sahib. | Mudaliyar. |
| 18. " C. Obi Reddi. | |

Noes.

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| 1. The hon. Mr. N. E. Marjoribanks. | 24. Mr. R. Nagan Gowda. |
| 2. " Khan Bahadur Muhammad Us- | 25. Subadar-Major S. A. Nanjappa Bahadur. |
| man Sahib Bahadur. | 26. Mr. T. M. Narayanaswami Pillai. |
| 3. " Mr. A. Y. G. Campbell. | 27. " C. R. Parthasarathi Ayyangar. |
| 4. " Mr. N. Maemichael. | 28. " N. Siva Raj. |
| 5. " Diwan Bahadur R. N. Arogya- | 29. " M. Gangadhara Siva. |
| swami Mudaliyar. | 30. Rao Sahib L. C. Guruswami. |
| 6. " Mr. A. Ranganatha Mudaliyar. | 31. Mr. W. P. A. Soundara Pandiya Nadar. |
| 7. " Dr. P. Subbarayan. | 32. " S. Subrahmanya Moopanar. |
| 8. Mrs. S. Muthulakshmi Reddi. | 33. " Chavadi K. Subrahmanya Pillai. |
| 9. Mr. T. R. Venkatarama Sastriyar. | 34. " V. Ramjee Rao. |
| 10. " F. B. Evans. | 35. " Daniel Thomas. |
| 11. " J. F. Hall. | 36. " S. V. Vanavudya Goundar. |
| 12. " G. T. Boag. | 37. " S. Venkiah. |
| 13. " S. H. Slater. | 38. " K. Krishnan. |
| 14. " C. B. Cotterell. | 39. " V. I. Muniswami Pillai. |
| 15. " P. J. Gnanavaram Pillai. | 40. " J. Mackenzie Smith. |
| 16. " R. Foulkes. | 41. " C. E. Wood. |
| 17. The Zamindar of Seithur. | 42. " G. W. Chambers. |
| 18. Mr. H. B. Ari Gowder. | 43. " C. R. T. Congreve. |
| 19. " J. Bheemayya. | 44. " H. F. P. Hearson. |
| 20. " V. Ch. John. | 45. " G. R. Premayya. |
| 21. " Mahmud Sehamnad Sahib. | 46. Swami A. S. Sahajanandam. |
| 22. " Muppil Nayar of Kavalappara. | 47. Rao Sahib R. Srinivasan. |
| 23. " J. Kuppaswami. | |

Mr. S. Satyamurti demanded a count of members who were neutral.

Neutral.

- | | |
|-------------------------------------|---|
| 1. Mr. A. B. Shetty. | 8. Mr. T. K. Chidambaranatha Mudaliyar. |
| 2. " Ramanath Goenka. | 9. Diwan Bahadur P. C. Ethirajulu Nayudu. |
| 3. " K. Ramachandra Padayachi. | 10. Mr. Khadir Mohideen Sahib. |
| 4. The Raja of Panagal. | 11. Diwan Bahadur S. Kumaraswami Reddi- |
| 5. Sir A. P. Patro. | yar. |
| 6. Diwan Bahadur M. Krishnan Nayar. | 12. Rao Bahadur B. Muniswami Nayudu. |
| 7. Mr. P. T. Rajan. | 13. " K. Sitarama Reddi. |

Ayes 34. Noes 47. Neutral 13.

The closure motion was lost.

Mr. G. HARISARVOTTAMA RAO :—" Mr. President, Sir, . . . "

* The hon. the PRESIDENT :—" The hon. Member has seconded the closure motion, and he cannot be allowed to speak again."

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* Mr. K. MADHAVAN NAYAR :—"Sir, because the Government now confesses by the vote on the closure motion that they are too thick-headed to understand the view of the non-official members of the House, we shall try to din into their ears again the necessity for adjourning the consideration of these demands. Well, Sir, our reason for this adjournment motion is that it is unfair to ask this House to consider each demand separately, to ask us whether we do not want to give so much money for public health, whether we do not want to give so much for medical needs and so on and so forth and elicit answers to the same separately because each one of these demands may be good in itself to which no one may be prepared to give a negative answer, though if they are collectively put in the form of a budget, we may pick and choose or prefer some others rejecting those altogether. Our anxiety is simply that the money that is at our disposal may be distributed in such a manner as to be most conducive to the welfare of the people of this Presidency. That is why the Leader of my Party asked for an adjournment of these demands, and demanded of the Government to give us an opportunity, as in the case of the annual budget, to express our opinion as to how the amount of Rs. 3½ crores is to be utilised in the best interests of this Presidency. As it is, we are not given this opportunity, and this is the grievance which we have been repeating, one after the other in this House to-day. We are sorry that the Government have shown, by the vote they have given on the closure motion, that they are not prepared to accede to the wishes and the opinions of the majority of the non-official members of this House.

"Now, Sir, in the early part of this year, some Members of the Transferred Half were good enough to say that if they are not able to carry through their policy of curtailing the expenditure in certain departments or of making improvements in other departments, or reducing taxes and duties in some others, they would certainly leave the Treasury Bench and join us. That opportunity has come to-day. I may say this to the hon. Minister, Mr. Ranganatha Mudaliyar, that the opportunity has at any rate come to him. So long as the Government is not prepared to curtail registration fees which directly concern him on court-fees or stamp duty with the money now made available, an opportunity has come to him to leave the Treasury Bench and come over to our side. From the various demands that are now made, we are not convinced that the Government are prepared to redeem their pledges with regard to the reduction of court-fees, stamp duty and registration fees or that they are in any way sincere in their professions regarding them.

"With regard to the policy of prohibition, so much is said in favour of it on one occasion and so much against it on another occasion by the same Member of Government that we are at a loss to understand what their definite opinions is on this all-important question. Is the Government prepared to utilise a portion of the released amount to carry out the policy of prohibition which this House has so much at heart? At least, will the Government listen to our opinion on the point? These are the reasons why we ask for an adjournment of the consideration of these demands and I hope that the adjournment motion that has been moved by the Leader of my Party will be accepted by the House and that the consideration of these demands postponed till the Government explains their general policy regarding the expenditure of the released amounts."

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* Mr. BASHEER AHMAD SAYEED :—" Mr. President, Sir, I wish to point out, that in having proposed this adjournment motion we on the Opposition side are not refusing to vote for the demands, but we want the Government to give us the policy and programme on the basis of which they are distributing these demands. Such a demand on our side has already been made in our individual capacity from the Ministers and others concerned. Now, we are here to vindicate our right as Members of the Legislative Council sitting in Opposition to demand from the Treasury Bench what exactly is the policy and the programme that is underlying the demands that are now placed before us. I really fail to understand why the Government is not willing to tell us what exactly is the principle on which they have distributed the remissions that have been released. If it is a question of merely refusing to vote upon the demands, the Government may well oppose us. Now, we are only asking them to adjourn this business of voting on grants and to give us an indication of the lines on which they are proposing to distribute the remissions. After all, as Members of this Council, we are only asking, or rather taking an opportunity to vindicate our right of knowing what exactly is going to be the broad result of the distribution that this Government has autocratically made. No doubt, Sir, in the statement that has been placed before us this morning, in answer to question No. 528, we see large amounts set apart for Transferred departments. No doubt, the offer seems to be tempting. But yet, because it is tempting, we are not going to give up our right of knowing what exactly is the basis of this distribution. After all, from the amount got by remissions, we see only a small proportion set apart for the Transferred departments, and then in those Transferred departments which are supposed to be managed by responsible Ministers, they have not indicated to us as to what exactly they propose to do with those sums. They have simply said, for Excise so much, for Registration so much, for General Administration so much, and so on. We have been from time to time asking the Government to concentrate their attention on three or four important problems that are affecting this country at present. First and foremost is the relief to be given to the poor cultivator by reduction of the land tax. Next, more attention has to be bestowed upon public health by introducing total prohibition into this province. The hon. the Minister for Excise has been telling the public and also in reply to hon. Members in this House that he has been concentrating his attention upon total prohibition. I would like to know how far the Total Prohibition Bill has gone and at what stage it is, whether it is being supported or whether it is being knocked on its head, and whether in such a contingency he will still cling to his office. The next important problem which we have been asking the Government to concentrate its attention upon is the educational problem. Years have passed, and yet, when the Census report is turned over, we find not more than five per cent of the population educated so far. Much worse is the case with the backward classes. We want to know how the Ministers in charge of the Transferred departments are going to shape their policy in the utilization of the remission amounts. Next in importance is the reduction of the registration fees, court fees and other enhanced taxes. Nothing has been indicated to us even in that respect. Why should the Government deny us the elementary right of any legislature to know what exactly is the turn the remissions are going to take, how they are going to be spent, what policy and what schemes the Government is embarking upon, and whether they are distributing and spending moneys on certain definite

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schemes of importance to the people on a well defined policy? Why should the Government deny us the right to know what exactly is the scheme on which these demands are based?

“Once again I have to point out that the Government need not be under any misapprehension as to what exactly the scope of the adjournment motion to-day is. It is just intended to give them time to consider and tell us how exactly their policy is going to be shaped. I do not see why they should fail in this and ask their friends and colleagues to vote against the closure motion. The closure motion was made with the object of giving the Government time to give us their considered reply. It is really disappointing that even when we give them opportunities to come to a fair settlement of the differences between us, they do not avail themselves of those opportunities. This is one more indication of the attitude of the Government even after the introduction of the so-called Reforms, towards popular opinion.”

The hon. the PRESIDENT :—“The hon. Member may continue his speech after lunch. It being half-past one the Council will adjourn for lunch and re-assemble at 2-30 p.m.”

After Lunch (2-30 p.m.).

* Mr. BASHEER AHMAD SAYEED :—“Sir, I was saying that the Government should indicate the lines on which they are proceeding with the distribution of the released remissions. I would say one or two words more and then resume my seat. The Government have now come forward with demands but they have not come forward with a budget. They require supplementary grants, but they do not give us an idea as to what exactly the scope of these demands are. Properly speaking, a supplementary budget must be presented before asking for the supplementary demands.”

“My other point is that the Government have not paid any heed to the various problems raised from time to time. The question of the non-gazetted officers and their pay was raised in this House on the last occasion, not to speak of the earlier occasions, and the Government have told us that they are wanting in funds; but when funds are available they fritter them away without any scheme or programme. It is to put a stop to it and also to raise the paramount question of our rights to be consulted before such large sums of money are distributed that we have moved this motion. It is with a view to vindicate our right to be heard before our vote is wanted for the demands that this motion has been proposed. After all, this is only a motion for adjournment to enable the Government to have sufficient time to reconsider their position and give us the elementary rights of a legislature to know how exactly these remissions are going to be spent.”

* The hon. Mr. N. MACMICHAEL :—“Sir, there seems to be a considerable amount of misapprehension in this House as to the exact amount of surplus or balance available for recurring expenditure. In answering a question this morning I stated that the normal revenue of the Presidency is 1,655 lakhs. This sum includes the contribution of 49 lakhs which was remitted temporarily this year. It is not possible to treat this as a recurring remission. Presumably its remission in future years will depend on the finances of the Government of India. The amount completely at our disposal at present is therefore 1,606 lakhs.”

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"Now, the expenditure under standing sanction—all of which has been sanctioned by this House and by the Finance Committee—amounts to 1,455 lakhs. The average normal non-recurring expenditure is 107 lakhs. That is to say, the total average expenditure at present is 1,562 lakhs. That leaves us a balance available for recurring expenditure of only 44 lakhs. Out of that, the Government have put forward supplementary demands for 32·56 lakhs. That, in round figures, only leaves us $10\frac{1}{2}$ lakhs to deal with. It should not be forgotten that the normal increase in expenditure in the past few years has been considerably greater than the normal increase in revenue. Therefore, in a few years, that balance will evaporate. It is a fact that at present we have a large balance, a balance of about $2\frac{1}{2}$ crores, available for non-recurring expenditure and, as the Council will see, a large number of the items included in the supplementary demands put forward just now relate to non-recurring expenditure, minor irrigation and similar items. There is no reason why such of the schemes as are ready should not be pushed through with this amount.

"The balance available for recurring expenditure, as I said, is only $10\frac{1}{2}$ lakhs; and if that fact as well as the fact that these 1,562 lakhs of expenditure have been regularly sanctioned by this House from year to year is realized, there will be no misapprehension in the minds of hon. Members that a sum of $3\frac{1}{2}$ crores is still available for distribution."

* Mr. P. ANJANEYULU :—"Sir, I am very much indebted to the hon. the Finance Member for the figures which he gave now. That is exactly our difficulty and our complaint. Before these $3\frac{1}{2}$ crores were released, we were getting on with the Government somehow or other, and both in the Legislative Assembly and in this House, from that wonderful financier Sir Basil Blackett at the top down to the latest candidate in finance, all were assuring us that as soon as the provincial contribution was released, it will be wholly available for nation-building purposes, a phrase which, as the hon. the Revenue Member has said, has been over-much used. Sir, even in the last Council when the 126 lakhs were released we were assured that all that sum would be available to the Transferred Half. If I remember right, the then Ministry, two of whose members are present here now, also were full of that hope. It was only under those conditions that the previous budgets were sanctioned. Token motions were tabled, discussions took place and assurances were given that whatever funds the India Government released, would be placed at the disposal of the Transferred Half for utilization in the nation-building departments. I would ask the Transferred Half now sitting in the Treasury Bench, whether assurances were not given by them about it even in the last budget. Unless my memory absolutely fails me, I believe we were given assurances by the present Ministry also that, though they had no definite information as to how much of the contributions would be released, as soon as they got definite information about the remission, a major part of it would be placed in their hands which would be spent on useful undertakings and that they would go about the country blessing and blessed. We thought those assurances were sincere and made in earnest and that promises made to the ear would not be broken to the heart. Now they come and tell us that only $10\frac{1}{2}$ lakhs are available for recurring expenditure and that even that would soon evaporate. That is the language of the hon. the Finance Member. He says that $2\frac{1}{2}$ crores are available for non-recurring expenditure and that provision for spending it has already been made. Now, the question the Opposition desires to put on behalf of the electorate of this Presidency is this :

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What is the definite policy that has been adumbrated by the Government to spend this large extra amount? How much of it is being given to the Transferred Half which they can well spend on purposes which are useful to the nation? These questions stand unanswered. No doubt, the schemes as adumbrated by the hon. the Finance Member or his Colleagues may be very good in themselves. We may not have looked into the merits of those schemes. But what we submit through you, Sir, to the Members of the Treasury Bench and to the rest of the House, is this: We should like to know what the policy underlying this expenditure is. Well, Sir, we are told that because by one vote on a particular occasion we committed ourselves to a certain item of expenditure, we are hereafter estopped from voting down that item and demanding an explanation as to how the rest of the money is to be spent. We should like to know, and it is for this purpose my leader has proposed this motion, the policy underlying these demands. It is not enough to say: 'This is a very good measure; therefore sanction it.' There may be a better measure. We therefore want to know what are the measures they are going to undertake; how much of the surplus would be spent on the Transferred Half and what are the measures the Transferred Half will undertake; and whether their policy is one which would be continued for a number of years or is intended just for the occasion. It is to elicit answers to these questions that the motion under discussion was proposed. There is no particular reason why this Government, the Reserved Half or the Transferred Half, if its responsibility to the electorate is real, should not tell us what they are going to do for us.

"Well, without reference to the newspaper reports, some of which at least are correct, I may say that the hon. Minister was telling us that there was a large sum coming to his hands which would go for the improvement of agriculture, for the extension of education, etc. And rural reconstruction was one such measure awaiting looking into. Rural reconstruction is a phrase which has been long in the air, though no one knows what it is going to be like. No one has told us what benefit the public could expect from it. I would therefore respectfully appeal to the Transferred Half to make a bold stand now when the money is available and not to let it evaporate. If it will evaporate from the place where it is now kept, let it be taken out of that place and left in a secure position where it will not evaporate. No doubt I agree with the hon. the Finance Member that certain expenditure has been already incurred which hereafter will go on increasing and that almost all, if not all, the money available would go merely for expenditure on the services and that very little, even from the point of view of the Reserved Half, would be available for items such as minor irrigation, etc. Therefore, let the country and the elected members of this House have an opportunity of knowing the policy underlying the expenditure which is contemplated by the Government and expressing their views. I hope and trust that in this particular the Government are not vindictive enough to throw out any suggestion which might emanate from this side of the House. Why should the Government refuse to give us an opportunity to express our views on this matter? It is only by consultation that we can arrive at a correct solution of the problem. The Opposition as well as the Government and the whole Presidency fought tooth and nail to get the contribution released, and, now that we have got it, let us put our heads together as to how best we can spend it. I hope that in the

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spending of this released contribution, consultation is not unwelcome even to the hon. the Finance Member.

2-45
p.m.

"I would respectfully ask hon. Members of this House not to consider this as a party measure simply because the Leader of the Opposition has moved it. We only urge that some time may be given to us to put our heads together and have a consultation on the matter with a committee of the House or the whole House constituted into a committee as suggested by the Deputy Leader of my party. Therefore, instead of wasting time on each individual item by means of a token motion and discussing the matter each time and going through the farce of voting and getting defeated or successful on each motion for a nominal sum of Rs. 100 or so, let us put our heads together and some little time be allowed for us for so doing. The time that is spent thus will not be wasted. I respectfully submit that in these circumstances and without much discussion we will all agree that the postponement of this grant is essential and that we shall all unanimously vote for this motion for adjournment."

* Mr. T. R. VENKATARAMA SASTRIYAR :—"I wish to bring to your notice a matter which seems to me of some importance and which is one which may constantly recur in connexion with this motion which seeks to get the adjournment of the business relating to the budget. Budget is dealt with in the Act under Section 72-D. The procedure relating to the budget and the various stages through which the budget has to be taken are contained in rules from No. 25 onwards and at the end of rule 32 we have that supplementary or additional estimates shall be dealt with in the same way as Demands for Grants. Therefore the procedure to be adopted in regard to the supplementary demands will have to be exactly the same as that which related to the yearly budget. Before I refer to Section 72-D I may say that the supplementary or additional grants are asked for at other times to supply omissions or correct miscalculations. If all our needs could be correctly anticipated they would all come in at the yearly budget under Section 72-D. Now this is what Section 72-D says :—

'The estimated annual expenditure and revenue of the province shall be laid in the form of a statement before the Council in each year and the proposals of the local Government for the appropriation of provincial revenues and other moneys in any year shall be submitted to the vote of the Council in the form of Demands for Grants. The Council may assent or refuse its assent, to a demand or may reduce the amount therein referred to either by a reduction of the whole grant or by the omission or reduction of any of the items of expenditure of which the grant is composed.'

"If the Council has dealt with the budget in the way mentioned in Section 72-D, its conclusions may be subjected to the provisions in clauses (a) and (b) of the proviso. But, Sir, this is a dilatory motion which asks for the adjournment of the business altogether, and prevents the exercise or is intended to prevent the exercise of powers under the proviso to Section 72-D. My suggestion is that, though in Standing Order 34 which deals with the general business of the Council provision is made for the adjournment of motions, and though it might seem that the Standing Order which is applicable to the general business of the Council would be applicable to this class of motions also, it will not apply to motions of this kind by reason of Section 72-D. I do not say that I have examined the matter completely with reference to the rules and the Standing Orders. It strikes me, taking the last paragraph of rule 32 and Section 72-D, that Standing Order 34 is not intended to be applied to the Demands for Grants under Section 72-D whether brought at the time of

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the budget or at the time at which supplementary grants are asked for. The only way in which the Council has to deal with it is stated in 72-D in the following words :—

“The Council may assent or refuse its assent to a demand, or may reduce the amount therein referred to either by a reduction of the whole grant or by the omission or the reduction of any of the items of expenditure of which the grant is composed.”

“My submission is that under the Act and the rules and the Standing Orders read together, dilatory motions are not intended to be allowed in connexion with the budget demands. There are of course difficulties and my hon. Friends on the other side may point to the general procedure under the Standing Orders contained in 24 to 36 and may say that they apply to every form of business which comes before the Council. But if there was anything in the Act or in the rules to indicate that only certain forms of motions are intended to be permitted in regard to any particular item of business, that of course will override the general Standing Orders. There are indications in the rules preceding rule 32, which show what forms of motions are permissible.”

* Mr. C. V. VENKATARAMANA AYYANGAR :—“May I know under what rule this demand was withdrawn?”

* Mr. T. R. VENKATARAMA SASTRIYAR :—“I am not answering here any conundrums which may be put to me by hon. Members opposite. I am only expressing certain difficulties which may occur constantly in the Council in the course of the debate so that you, Sir, may give your final ruling as to the procedure to be adopted in the future.”

* Mr. SAMI VENKATACHALAM CHETTI :—“On a point of order, Sir. I think, Sir, the necessity for raising an objection arises when one has made up his mind one way or the other. The hon. the Advocate-General has not made up his mind one way or the other. So far as I have heard him, he has not made it clear what his objection is. This is not the time to raise any theoretical objection. He may as well do it after question time to-morrow. So long as he has not made any specific objection, his remarks are not applicable to our present discussion.”

* Mr. T. R. VENKATARAMA SASTRIYAR :—“I am raising a specific objection. I am raising the objection in connexion with a definite matter which is going on before the Council. By saying that the matter is not clear I am only referring to difficulties that beset the question. I have raised the objection by saying that Section 72-D prescribes the ways in which such motions ought to be dealt with. I have expressed my opinion specifically and clearly and so far as I can see. At no time can I do more than express the result according to my reading of the rules and the Standing Orders. Standing Order 34, though it relates to the general business of the Council, cannot apply to budget grants which are governed by specific provisions in the rules and the Act. The section of the Act and the rule have the effect of excluding Standing Order 34. Section 72-D suggests the modes of dealing with the budget demands, rule 32 deals with the supplementary demands and rule 30, sub-clause (2), deals with motions which may be made at that stage. Section 72-D which provides the way in which the Demands may be dealt with seems to me to exclude motions for adjournment and motion to pass on to the next business.”

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* Mr. S. SATYAMURTI :—" I presume that my hon. Friend, the Advocate-General, has raised and submitted a point for your decision. From his eloquent remarks on the constitutional possibilities of a doubtful interpretation of the rules and the Standing Orders it is only obvious that he has very clear doubts in his mind. Still in order to conform to the ordinary rules of procedure in this House, I am submitting for your ruling whether he has raised any point of order for your decision."

* The hon. the PRESIDENT :—" Yes."

* Mr. S. SATYAMURTI :—" If that is so, his point of order seems to be this : 'whether the motion of my hon. Friend, the Leader of the Opposition, is not out of order at this stage because no dilatory motion can be brought with regard to demands for grants, original demands or excess demands or further demands.' That is the point of order and his contention is that Standing Order 34, cannot apply to this. May I invite your attention to this fact, viz., the manner in which we are allowed to make Standing Order under Section 72-D ? Continuing the same section, at page 59 we have got one sub-section (5) and with your permission I shall read it. This is what it says :—

' Provision may be made by rules under this Act for the purpose of carrying into effect the foregoing provisions of this section and for regulating the course of the business in the Council.'

" I take it that the learned Advocate-General is of opinion that in order to decide whether an adjournment motion of this kind can be allowed or not is a matter which relates to the ordinary business of the Council and that therefore a rule can be made for regulating this class of business provided it is made under sub-section (5) of Section 72-D. Then we go to sub-section (6) in which powers are given to make Standing Orders. This is what it says :—

' Standing Orders may be made providing for the conduct of business and the procedure to be followed in the Council.'

" I take it that the learned Advocate-General does not argue under this sub-section and say that so far as this adjournment motion is concerned it does not come under the Standing Orders contemplated by sub-section (6) of Section 72-D.

3 p.m. . " If he concedes that, it comes to this ; that the Standing Order is certainly valid so far as it provides for the conduct of business and the procedure to be followed in the Council. Then it goes further : ' In so far as these matters are not provided for by rules made under this Act.' I take it also that he concedes that this mode of adjournment is not provided for in the rules. The rules do not provide how an adjournment is to be made or when it is to be made or on what conditions. Taking the words of the present sub-section, the rules have not provided for the procedure of the adjournment of the House. Therefore, a Standing Order can provide for it. Then, the last sentence of that paragraph is important : " Any Standing Order made as aforesaid, which is repugnant to the provisions of any rules made under this Act, shall, to the extent of that repugnancy but not otherwise, be void.' I should be very much surprised if the hon. Advocate-General seriously contends that a provision in the Standing Orders providing for the adjournment of the discussion of any pending item of business before the House is repugnant to the provisions in the rules or in the Act, which say nothing about it, and which merely regulate the business in other respects. The only contention on which the

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hon. Advocate-General can ask you to hold that this Standing Order is invalid or does not apply to dilatory motions with regard to budget motions is that it is repugnant, with respect to budget motions, to the provisions of the rules made under this Act."

The hon. the PRESIDENT :—"If we construe that sub-rule (2) of rule 30 is exhaustive of the nature of the motions that can be moved, then Standing Order 34 becomes repugnant to it. The question is whether sub-rule (2) of rule 30 is exhaustive of all the motions that can be moved in connexion with budget demands."

* MR. S. SATYAMURTI :—"The wording of sub-section (6) of Section 72-D contemplates that the rules cannot be exhaustive because it says . . ."

* The hon. the PRESIDENT :—"Suppose we come to the conclusion that sub-rule (2) of rule 30 is exhaustive in itself of the class of motions that can be moved on supplementary demands or original demands. Then, Standing Order No. 34 becomes repugnant to it."

* MR. S. SATYAMURTI :—"There must be some reason for holding that that rule is exhaustive. It cannot be exhaustive impliedly, because I submit, first, that it cannot be contended that this rule by itself—unless it says so—means that only such motions can be made at this stage. It is a kind of punitive interpretation that is being sought to be given to it to deprive this House of the normal power of adjourning any other item of business with regard to budget motions. I suggest that any such punitive provision should be expressly stated. If the rule read like this, 'motions may be moved at this stage to reduce any grant or to omit or reduce any item in a grant, but not to increase or alter the destination of a grant; and no other motions can be made at this stage', it would be clear that no other motions can be made."

"With regard to various stages of Bills, you will remember that only certain motions can be made at certain stages and that other motions cannot be made. With regard to this, no such restriction is placed there. Therefore, unless there is something in the actual wording, it cannot be contended that this rule, by itself, is calculated to deprive the House of its normal powers of adjourning any item of business."

"My second point is this: This rule, by itself, does not refer at all to any adjournment motion with regard to this item of business. The Standing Order provides for it and unless it is pointed out that the Standing Order is repugnant to this rule as it stands—not as may be interpreted by some implication—I submit that the Standing Order is perfectly valid and governs adjournment motions at this stage."

"I want to say one word. There is a reference in May's Parliamentary Practice to this matter. 'On the days appointed for concluding the business of supply, its consideration may not be anticipated by a motion of adjournment and no dilatory motion may be moved.' My submission to you is this: That ruling governs such motions only on days appointed for concluding the business of supply; and my interpretation is strengthened by the fact that both in this House and in the Mother of Parliaments, the constitution-makers have laid down some principles on which there must be an end to budget discussion either by guillotine or by some such process that beyond a particular day demands ought not to be discussed."

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* The hon. the PRESIDENT :—“ There is no such limit for supplementary demands. My difficulty is this : The first part of the sentence refers to the demands on the estimates made annually, but the second part seems to refer to supplementary demands as well as to annual estimates.”

* Mr. S. SATYAMURTI :—“ I see nothing in the wording of the sentence, nothing in the context, to make that subtle distinction, if I may say so respectfully, that the first half of the sentence relates to one class of business and the second sentence separated only by a comma . . . ”

* The hon. the PRESIDENT :—“ There is the word ‘ and ’.”

* Mr. S. SATYAMURTI :—“ The business is the business of supply for concluding which days have been appointed. Therefore, I suggest that so far as May's Parliamentary Practice is concerned, it gives the ruling only with regard to motions of a dilatory character made by hon. Members on the days appointed for concluding the business of supply.

“ Then there is a ruling given by you on the floor of this House when further demands came up on the last day of the budget when the Treasury Bench discovered some defects or omissions in their budget and came forward with what is known as further demands . . . ”

* The hon. the PRESIDENT :—“ They were new schemes not sanctioned at the time of the annual budget.”

* Mr. S. SATYAMURTI :—“ They are their after-thoughts. When after the original budget had been framed they came to us on the last day of the budget for further demands, my hon. Friend Mr. Srinivasa Ayyangar moved ‘ may I move under Standing Order 34, that the Council do pass on to the next item of business,’ you were pleased to say that, ‘ Regarding budget motions, no dilatory motions of this sort could be moved. Therefore I think that dilatory motions under Standing Order 34 cannot be moved in this House while further demands are being considered.’ I beg of you in all humility to confine that ruling to the four corners of the purpose for which it was given. But, taking it as final, so far as the circumstances are concerned, I submit that that ruling was given with regard to a motion not for adjournment, but for passing on to the next item of the order of business. It is sound law that no judgment can be invoked beyond the limits of each case. I submit, therefore, that no adjournment motion was before you then. The only motion that was before you was to pass on to the next item of business. Under Standing Order 34 you can make two sets of motions. The actual motion then on which you gave the ruling was that we pass on to the next item of business. You gave that ruling and you stated your reasons. You stated that it could not be moved on the days fixed by His Majesty in Parliament. Therefore, you stated that dilatory motions could not be admitted while further demands were being considered.

“ So far as these demands are concerned, I have to submit for your consideration that these are not, strictly speaking, supplemental demands at all. Because, you will see that Rule 32 says—

‘ An estimate shall be presented to the Council for a supplementary or additional grant when (i) the amount voted in the budget of a grant is found to be insufficient for the purposes of the current year, or (ii) a need arises during the current year for expenditure for which the vote of the Council is necessary upon some new service not contemplated in the budget for that year.’

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"It cannot be contended, Sir, that these demands for further expenditure come under either of these two headings. It is not suggested that the amount is found insufficient for the purposes of the current year, or that a need arises for expenditure upon a new service."

* The hon. the PRESIDENT :—"The explanatory notes show that the supplementary demands come under either item (i) or item (ii)."

* Mr. S. SATYAMURTI :—"It is not some expansion of service already provided in the budget, and it is not a case of some new service not contemplated in this year at all. Number (i) is when the amount is found insufficient for the purposes of the current year."

* The hon. the PRESIDENT :—"Some of these demands come under No. (i) and some under (ii). This morning I carefully examined the explanatory notes furnished by the Treasury Bench and found that all of them come either under (i) or (ii)."

* Mr. S. SATYAMURTI :—"If you have carefully examined that point, I do not press it. If you say that they come either under (i) or (ii), I must take it."

"I want to stress this point; Standing Order 34 is clear and unambiguous. Standing Order 34 makes no exception in the case of budget motions or any other motions. Standing Order 34 is made in pursuance of the statutory power vested in us. It is not repugnant to the Rules or the Act."

'Standing Order 34 says "a motion that any meeting or business be adjourned or postponed or that the Council pass to the business next in order in the statement of business may be moved at any time and without previous notice as a distinct question, but not so as to interrupt a speech."'

"I submit that the motion is that the business before the House be adjourned. It cannot be contended—it is not contended—that the Standing Order is repugnant to the Rules. It is merely contended by implication that, as Section 72-D of the Government of India Act says that the Council may assent, or refuse its assent, to a demand or may reduce the amount, no other motions at that stage will be valid. By analogy it cannot be argued that you can only vote for it and that you cannot adjourn it. Rules also provide and the Standing Orders provide that the various stages of each Bill have got to be gone through and the motions may be made at those stages."

* The hon. the PRESIDENT :—"You mean new Rule 20-A, which deals with dilatory motions regarding Bills."

* Mr. S. SATYAMURTI :—"There, the Government of India have provided specifically with regard to the procedure for dilatory motions in regard to Bills. No such provision exists with regard to the budget. It cannot be argued that the Government of India must have held the view contended for by the Advocate-General that there is power already vested in the Council not to allow dilatory motions. It will be attributing far too much subtlety even to the Government of India."

"I wish to give a reference in this connexion. I cannot definitely refer you to it. I think your office will be able to find it. In 1926, I am told, Mr. Jinnah actually moved in the Legislative Assembly a motion for postponing one grant and a division was taken thereon. Your office can examine it and put up that reference. But, so far as the actual wording of Standing Order 34 is concerned, unless the hon. Advocate-General contends that it is repugnant to the rules made under the Act,—I should like him to look at it again—

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SUPPLEMENTARY DEMANDS FOR GRANTS

[Mr. S. Satyamurti]

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“Section 72-D (6) of the Government of India Act says :

‘Any Standing order made as aforesaid, which is repugnant to the provisions of any Rules made under this Act, shall, to the extent of that repugnancy but not otherwise, be void,’

and unless, Sir, he should satisfy you that this Standing Order is repugnant to the provisions of the Rules made under the Act, I submit that this motion is perfectly in order.

“I may add, Sir, in conclusion that it is somewhat unfair for this House, after a discussion for three hours and more which we have taken upon this question and on the question of closure, that this point should be sprung upon us. I only wish that the Law officers of the Government were more alert.”

* Mr. K. R. KARANT :—“On a point of order, Sir. My point is whether the learned Advocate-General is entitled to bring this point of order after a motion has been seconded and put before the House.”

* The hon. the PRESIDENT :—“A point of order can be raised at any stage.”

* Mr. C. V. VENKATARAMANA AYYANGAR :—“May I just say a word or two, Sir, in addition to what Mr. Satyamurti has already said? The only thing that I wish to point out is that Section 72-D says that the grant should be either rejected or granted at once. The only exception which is mentioned is the primary budget discussion. There, whether an adjournment motion is carried or not, when the time fixed by His Excellency the Governor for the discussion of the subject is over, all the motions are taken to be passed. That is the difference between the primary budget discussion and the present discussion. So far as the primary budget discussion is concerned, there is no use in carrying an adjournment motion because when the time fixed by the Governor is over, all the motions are taken as passed, and in respect of any particular item also there is a time limit as to the discussion. Very desirably, I think the Legislature has thought that these supplementary motions should not be subjected to such time limits by the Government.”

* The hon. the PRESIDENT :—“That is the Parliamentary practice. But I do not know whether the Governor has got the power under rule 32 (1).”

* Mr. C. V. VENKATARAMANA AYYANGAR :—“Even if he has got the power, he does not exercise it. In one case he does that, in another case he does not. We draw this distinction. Again, Sir, I would ask the Advocate-General why he did not raise this point when some of the supplementary demands for grants were put before the House on the last occasion, and postponed to this sitting. According to him, the postponement was illegal.”

* The hon. the PRESIDENT :—“They were all withdrawn.”

* Mr. C. V. VENKATARAMANA AYYANGAR :—“Not all of them. There were a number of them put on the agenda.”

* The hon. the PRESIDENT :—“By a motion they were all withdrawn.”

* Mr. C. V. VENKATARAMANA AYYANGAR :—“Very well, Sir. In section 72-D there is no provision even for that. Either the demand should be voted against or voted for. I only say that we should not stretch the analogy in regard to the primary budget discussions to this case. They stand on a different footing. In the case of the primary budget discussions, there is no use of moving an adjournment motion and also there is a time limit fixed in respect of each grant; and we cannot go behind that provision. If the discussion is not even within a particular time, whatever the reason may be,

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[Mr. C. V. Venkataramana Ayyangar.]

the demands are taken to be passed. Therefore, that analogy will not apply here. Even if His Excellency the Governor has got the power of fixing the time, he has not done so. Many of these motions were laid on the table last time. They were all on the agenda and for want of time, they were withdrawn and a number of them were passed over. I also remember there was a motion for passing over one or two items in order to reach a particular motion, I think, by Mr. A. Ranganatha Mudaliyar, regarding the Co-operation Committee. Then, everybody including the other Members of the Cabinet agreed that the interim demands for grants should be passed over, in order that a particular motion might be taken up. Therefore, Sir, the analogy of the primary budget discussions cannot hold good here. When that analogy does not hold good and when His Excellency does not exercise the power vested in him, it only shows that His Excellency is very anxious that we should discuss this point. We are only dealing with the principle here. We do not want that the whole motion should be done away with. When the final motion comes, we will pass it or reject it; but supposing we have no time in this sitting, can it not be taken up later on? I would therefore appeal to you, Sir, to exercise your discretion in a liberal spirit. As you are supposed to be the custodian of our rights, unless there is anything clear in the Act or the Rules, I would appeal to you personally not to gag our mouth. In this case, even the learned Advocate-General with all his experience of so many years cannot say: 'I am definitely of this opinion.' He can only raise the shadow of a ghost and say 'If you are afraid of the ghost, get away.' All the same, he cannot say there is a ghost. We want his opinion but he is not definite about it. I may say the hon. Sir C. P. Ramaswami Ayyar used to be very often agreeable to such adjournments. I submit that it is not fair to gag our mouth under a suspicious theory propounded by the Advocate-General after three hours' discussion. I therefore submit that inasmuch as there is no specific provision to gag our mouth, it is unfair to gag our mouth on a general question like this. This question is likely to be raised every day and if your ruling is going to be against us to-day, we all know what the result will be. Even that small ruling of yours, Sir, regarding the grants for which a day was fixed by the Governor, is quoted against us every day. I therefore appeal to you that as there is no specific provision of law, you will use your discretion in a liberal spirit."

* Mr. K. MADHAVAN NAYAR :—"I have one word to say, Sir, with regard to the objection raised by the learned Advocate-General. The proposal of the Leader of the Opposition is tantamount to this, that a budget should be presented to the House so far as these released amounts are concerned. Under the Legislative Council instructions, these demands do not come under Instructions 110 and 111: Instruction 110 reads:

'When money has been spent on any service for which the vote of Council is necessary during any financial year in excess of the amount granted for that service and for that year, a demand for the excess shall be presented to the Council by the Finance Member and shall be dealt with in the same way by the Council as if it were a demand for a grant.'

"Instruction 111 is this:

'(1) An estimate shall be presented to the Council for a supplementary or addition grant when—

(i) the amount voted in the budget of a grant is found to be insufficient for the purposes of the current year, or

(ii) a need arises during the current year for expenditure for which the vote of the Council is necessary upon some new service not contemplated in the budget for that year, etc."

[Mr. K. Madhavan Nayar]

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"The supplementary demands we have before us do not come under any of these rules. They have been necessitated because we have by chance got some extra money for which some method of expenditure must be found. The rule of law that is applicable is this Section 72-D of the Act. Because we have got some new amount and that amount has to be distributed, a new budget has to be presented to the House and not a supplementary demand. The proposal of the Leader of the Opposition is tantamount to this, that there should be a budget for the amount. I therefore submit that the objection of the Advocate-General is quite irrelevant."

* Mr. S. SATYAMURTI :—"With your leave, Sir, I should like to say a word. I referred to a motion made by Mr. Jinnah on the floor of the Assembly. I have got the reference, Sir; it is on page 2134 of Volume VII of the Legislative Assembly Proceedings, 1926. The hon. Sir Basil Blackett moved that :

'a sum not exceeding Rs. 71,84,000 be granted to the Governor-General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March 1927, in respect of Customs.'

"Mr. Jinnah moved :

'I formally move that the consideration of this motion be adjourned.'

"The hon. Sir Alexander Muddiman spoke in opposition to that motion, but Pandit Malaviya supported it."

* The hon. the PRESIDENT :—"I have just perused it. The question was not raised or decided. It shows that the practice is there, but not that the practice is regular."

* Mr. S. SATYAMURTI :—"At the very next page you will find that when Pandit Malaviya began his speech, nobody raised a point of order. It is often argued in courts of law that when an eminent counsel appears in a particular case, if a point of order is not raised, it is assumed that that point, if it had been valid, would have been raised. I think the Advocate-General would agree that in the Assembly consisting as it does of the cream of the civil service and the cream of the intelligentsia on the Treasury Benches and of eminent lawyers, if there was any point of order that could be raised, certainly it would have been raised. In any case, the point of order was not raised because I submit it was not worth raising. Secondly, there is a clear precedent, and the Assembly President has considered the motion to be in order and therefore allowed it to be voted upon. This was with reference to an original budget motion. It is an *a fortiori* ground now, and substantiates my position."

* Diwan Bahadur M. KRISHNAN NAYAR :—"May I know, Sir, if you refer to Rule 32?"

* The hon. the PRESIDENT :—"Rule 30, sub-rule (2)."

Diwan Bahadur M. KRISHNAN NAYAR :—"It seems to me that it has nothing to do with this. What it says is :

'Motions may be moved at this stage to reduce any grant or to omit or reduce any item in a grant, but not to increase or alter the destination of a grant.'

"It seems to me that the Rule has application only to such cases, and there is nothing regarding other cases like adjournment or postponement. It refers only to two things, omission and reduction on the one hand, and to increase and alteration in the destination of a grant, and not to any other subject like adjournment."

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* Mr. G. HARISARVOTTAMA RAO :—" Mr. President, I desire to draw your attention particularly to the wording of sub-clauses (1) and (4) of Rule 30. You were asking, Sir, whether sub-clause (2) is absolute and whether it would override Standing Order 34."

* The hon. the PRESIDENT :—" It has to be taken as exhaustive."

* Mr. G. HARISARVOTTAMA RAO :—" Yes. Sub-clause (1) says :

'No motion for appropriation can be made except on the recommendation of the Governor communicated to the Council.'

"Then sub-clause (4) says :

'No motion shall be made for the reduction of a grant as a whole until all motions for the omission or reduction of definite items within that grant have been discussed.'

"The language of the law as laid down here begins with the words. No motion for such and such purpose can be made. It definitely lays down where there is a prohibition. In this case, in addition to the point mentioned by my learned colleague from Malabar, you will find that the language of sub-section (2) also does not lend itself to the interpretation that it is exhaustive. If the law wanted it to be exhaustive, the clause would have been worded in the same way as sub-sections (1) and (4)."

* The hon. the PRESIDENT :—" I have tentatively given a ruling on a previous occasion regarding this matter. I would like to examine the question very carefully and give my ruling to-morrow. I now adjourn the House."

The House will re-assemble to-morrow at 11 o'clock.

The House accordingly adjourned at 3-30 p.m.

R. V. KRISHNA AYYAR,
Secretary to the Legislative Council.

APPENDIX I.

[Vide answer to question No. 518 asked by Mr. J. A. Saldanha at the meeting of the Legislative Council held on the 18th October 1927, page 23 supra.]

G.O. No. 506, Public, dated 1st June 1927.

The All-India Spinners' Association is described in rule 1 of its constitution as an organization unaffected and uncontrolled by politics, political changes or political bodies. But the same rule states that it is an association established with the consent of the All-India Congress Committee as an integral part of the Congress organization. Further, in rules 9-11, the Association declares itself prepared to receive and acknowledge yarn subscriptions for membership of the Congress. So long therefore as the All-India Spinners' Association functions under these rules, it must be regarded as a political association. The Khadi fund being in aid of this association, subscription to it by Government servants is prohibited in rule 23 (1) of the Government Servants' Conduct Rules.

(By order of the Governor in Council)

A. Y. G. CAMPBELL,
Chief Secretary.

To M.R.Ry. R. Ramaswami Ayyangar Avargal, B.A., B.L., Vakil, Paramagudi (Rannad district), with reference to his letter, dated 2nd March 1927.
,, all Heads of Departments, including Collectors and District and Sessions Judges.
,, Departments of the Secretariat.